

**Norwell Board of Selectmen
Meeting Minutes
September 23, 2015**

TOWN OF NORWELL
TOWN CLERK

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Gregg McBride opened the meeting and introduced Jason Brown, Alison Demong, Peter Smellie and Town Administrator Peter Morin. *MOTION: Jason Brown moved the Board approve the agenda as written. Seconded by Peter Smellie and unanimously voted.*

REPORTS

Citizen Comments – None

Selectmen's Reports and Announcements

Ms. Demong announced that all are invited to a tick awareness seminar at the Middle School next Tuesday, September 29th.

Town Administrator's Report

The PBMC has requested that the BOS reaffirm the permanent members of the committee by vote. Mr. Morin read the list of members, which included Scott Brodsky as an Alternate Member. The following are members of this committee: Laurence Gogarty, Robert Molla, David DeCoste, Thomas O'Neill, Jeff Fabrizio, Gary Osborne, Robert Kouradis and Scott Brodsky, Alternate *Motion, made by Jason Brown, seconded by Peter Smellie, to reaffirm the permanent members of the Permanent Building and Maintenance Committee (PBMC). Unanimously voted.*

Discussion/Action Items

Land Donation

A donation of land on Pleasant St. was discussed by the board. The land is located past Donovan Farms on the left. There are two parcels. The land is valued at \$10,000, and the Assessor's report denotes the two parcels as non-buildable land, basically swampland. Con Com voted on this donation; one dissenting member stated that the land shouldn't be taken off the tax rolls. The BOS has the responsibility to make sure that there is no future tax benefit to the town before taking the land. Discussion ensued regarding the donation; it was also noted that there are no hazardous waste problems. The land abuts a large area of conservation land, so this donation would be beneficial to the Town. *Motion; made by Jason Brown, seconded by Peter Smellie, to accept the donation of land parcel 20C, block 66, lots 9 and 13. Unanimously voted.*

There are no minutes to approve at this week's meeting.

Mr. McBride gave a summary of the Cable Committee meeting last night, which included orientation for the new members to get them up to speed on the relationship with Marshfield. Cable is a waning industry, as revenues are going down due to the growing change to an internet based service industry. Discussion of the future of cable ensued.

Chief Ross was asked to give an update on security at new cemetery. Mr. McBride gave the background of a problem that occurred earlier in the summer. Chief Ross has added extra patrols and assigned an officer to work with the Cemetery Committee. Mr. McBride has observed the officer at the cemetery on two occasions, especially late at night, so the extra patrol has been going well. Available funding for security was discussed with the Cemetery Committee.

Saturday, September 26th, 10am-2pm is National Drug Takeback day at the Police station. All are welcome to drop off unwanted unused prescriptions.

Disciplinary License Hearing – The Tinker’s Son, Norwell

Motion; made by Jason Brown, seconded by Peter Smellie, to open the disciplinary license hearing. Unanimously voted. Mr. McBride gave an overview of the procedure for the hearing. He introduced the board again for viewers. Town Counsel Bob Galvin represented the Town and the BOS for the hearing. Chair of hearing was Mr. McBride. He read the legal language for the incident that occurred on July 22, 2015. The hearing is informal, therefore rules of evidence do not apply, but witnesses will be under oath. The public may be heard but not for duplicative information.

Begin Hearing:

Attorney Galvin asked each witness to swear an oath, and each will state their name as they present evidence. Mr. Galvin gave a summary of the paperwork as exhibits (see attached). He also numbered the exhibits.

Chief Ross gave his summary of the events. Sgt. Joe Esposito gave an overview of his recollection of the events, as questioned by Sgt. Nurmenniemi. There were 3 occupants of the vehicle stopped by the Marshfield police, one of whom was 19 years of age. The 19 year old gave a subsequent statement about the events of the evening, and stated that she was never asked for identification before being served alcohol while at the Tinker’s Son. Mr. Brown asked if anyone had witnessed this minor drinking at the bar; Sgt. Esposito stated “not to his knowledge”. Officer Timothy O’Brien, Norwell Police Department, gave his summary of the events. Officer O’Brien interviewed employees of the Tinker’s Son, who stated that it was the doorman’s responsibility check the ID’s of everyone entering the restaurant. Officer O’Brien interviewed the minor by phone, who stated that she was not carded before being served at the bar. She further stated that the large crowd enabled her to “sneak around the doorman”. She stated that she did not present a fake ID, and was never asked for her ID at the bar. Mr. Smellie asked if the Tinker’s Son staff could ID this minor. The staff present at this hearing answered no, she was just a face in the crowd. There were no other witnesses.

Tinker’s Son owner Brian Houlihan gave copies of letters of reference to the BOS. Exhibit number 7 includes a complaint that Tinker’s Son checks ID’s too frequently. He is not represented by Counsel. He had no additional comments to add to the evidence given by the officers and the letters that are part of the paperwork exhibits.

Brian Donovan and Michele Coles, restaurant managers, escorted the fight participants off the premises, but they returned. Mr. Houlihan does not agree with the minor’s testimony, but he left early and missed the events of the evening. He was told about the incident in a phone update from his manager late in the evening and received the further incident information from the Marshfield police report. The minor’s photograph was shown to all employees, who did not remember her. The restaurant manager, as well as extra management, stand with the doorman to card all who enter. Door ID and bar ID is their rule of thumb.

The restaurant personnel believe that the minor came back with the perpetrators about 1am, but she was never in the restaurant. Mr. McBride asked questions about the timing, and Mr. Houlihan disagreed with the time of the first incident (10pm vs. 11pm). The police were not called for the first altercation, which occurred inside the restaurant. The restaurant’s normal procedure is to ask unruly patrons to leave. There is a doorman on Wednesday nights and band nights. There are no external security cameras. In the six year history of the Tinker’s Son, there have been no other liquor offenses. The restaurant owner is taking this very seriously, and they have downloaded software which allows all managers to check ID’s. Mr. Houlihan doesn’t believe that the minor could have gotten past two ID checks.

Mr. McBride asked about the package provided by Mr. Houlihan, a Yelp review and letters of support from artists who have played at the restaurant and observed the crowd. Another letter of support was received from a restaurateur on the South Shore.

Mr. McBride asked if there were any public comments; answer-no.

He further asked Chief Ross to clarify the statements on the second page of Marshfield Police report, where the minor stated that they were drinking at the Tinker's Son for 3 hours along with the presence of the group of 5 people, 2 of whom were involved in an altercation. According to the report, 2 other males and the minor were NOT asked to leave. Mr. McBride stated that the public portion of the hearing is concluded.

Motion; made by Jason Brown, seconded by Peter Smellie, to close the public portion of this hearing. Unanimously voted

Mr. Galvin replaced the package store rules with the pouring rules for the hearing (exhibit 5). Rule 1, State law. There is only one violation; serving to a minor. There was an earlier altercation incident, but no physical contact. The participants returned later, met the other 3 participants outside the restaurant, and that fight was reported to the police. Mr. Brown stated that operating a bar requires one to have a very high standard. In this case there are no videos, and the fight is a sideshow to the real issue. There is not a credible piece of evidence, and the minor could have had a fake ID. The owner of the restaurant has no past history of violations for a period of 12 years in 3 different establishments. The bouncer and manager provide good security, and the minor's evidence is really hearsay. The minor may have fabricated the story because she was picked up by the police. Mr. McBride asked Mr. Morin and Mr. Galvin what the alternatives are. Mr. Galvin reviewed the options; and stated that there is only one other incident in his 23 years as Town Counsel. First time consideration should be given, and without clear evidence it's hard to make a judgment. Is a violation likely? Is it more probable than not? Mr. Morin asked that the board state that the lack of evidence is not due to lack of diligence by the police, it is due to the poor credibility of the witness.

Motion: made by Jason Brown, seconded by Peter Smellie, that the board finds that the preponderance of evidence indicates no violation of the law. Unanimously voted

Motion: made by Jason Brown, seconded by Peter Smellie, to close the public hearing. Unanimously voted, acknowledging the work of the NPD, and thanking the individuals who came to the hearing.

Clear Gov Software:

Chris Bullock, CEO of Clear Gov, gave an overview of the company background. This software package would allow the Town's taxpayers to better understand their town government's spending. The software currently has data for three states.

He has created info-graphics to show Revenue and Expenses as well as expenses per individual. The software also interacts with social media. He would like 3-10 municipalities to participate in a beta version of a more detailed version of the software program. Mr. McBride asked if he is collaborating with someone who is familiar with town government and maybe DOR (yes, he is working with these entities). He has received a large amount of positive feedback from town residents about comparisons between towns (Example: wealth of town compared to similar towns). This software would explain it like a taxpayer!

Mr. Morin vouched for Mr. Bullock, and is impressed with his intent to "get it right" and work with the towns. Hopefully the software will provide a legitimate comparison to other towns. Mr. Bullock gave a demo of the product currently in development, and stated that he has signed up four towns so far. He gave examples of a new site: "snapshot of Town's wealth". A user of the program can examine trends, debt, both backward and forward looking, which could be very helpful for funding decisions. Citizens can comment on each page, and the BOS can engage citizens on comments if they wish. Residents can enter personal data (like taxes) to see where the money is allocated. Mr. Bullock also gave an overview of other areas of spending. Towns would provide additional detail to enhance the data manipulation on the program. The board discussed education statistics. This beta version will be released in early October. It is not just a financial site, but additional metrics like education, etc. will be added. Public safety might be next. The data is maintained by Clear Gov, and is received from the DOR. This is not a program, but just a website that is edited by Clear Gov. If the Town signs up, they are given an administrative tool to manage their own financials. They also have the ability to add commentary

to the site, thus adding a human element through the comments. It would be nice to be able to offer explanations for unusual numbers. There are no benchmarks for 2015, as there is not enough data, but more is available for prior years. He is trying to find similar towns nearby to use for comparison purposes, and Mr. Morin stated that the comparable communities are much better than previous version.

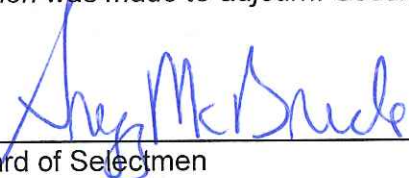
The product is about \$3,000 for towns, but the first 10 towns would be half price for one year. Both Mr. McBride and Mr. Morin are very supportive, but cautioned that data provided to public for the first time is very volatile. Be aware of what the data is and provide explanations! The transparency of communication is a wonderful product of this software!

Mr. McBride asked if the Town can find \$1500 to buy this, with Mr. Morin answering yes. Mr. Brown likes that it brings the finances down to a very personal level for residents – great for practical comparison bases, and a great way to help people understand the numbers. The Town will collaborate to make the product better!

Motion, made by Jason Brown, seconded by Peter Smellie, that the board approve \$1500 to move forward with the purchase of the Clear Gov software. Unanimously voted

ADJOURNMENT

Motion was made to adjourn. Seconded and unanimously voted.



Board of Selectmen

Attachments:

1. Exhibits as numbered by Attorney Galvin for the Disciplinary Hearing

2015

LICENSE

ALCOHOLIC BEVERAGES

The
TOWN of... NORWELL
MASSACHUSETTS
HEREBY GRANTS A

COMMON VICTUALER

License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

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To River and Main Restaurant Corp. d/b/a The Tinkers Son
John Brian Houlihan, Manager

on the following described premises:
Restaurant consisting of a two level dining room and pub with kitchen and restrooms. 150 seats, including a deck seating up to 75. Total seating 150. Located at 707 Main St. Norwell

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31st, 2015, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures
This 10th Day of December 2014.

The Hours during which Alcoholic Beverages may be sold are
From;

Monday - Sunday; 10:00 AM - 1:00 AM,
On the Deck; 10:00 AM-11:00 PM

Ellen H Allen

[Signature]

Deirdre DeLoe

[Signature]

Shirley McShane

License # **091200021**

LICENSING BOARD



Norwell Police Department
300A Washington Street
Norwell, MA 02061

Theodore J. Ross
Chief of Police

Telephone (781) 659-7979
Fax (781) 659-2496

Carol Brzuszek
Deputy Chief

To: Peter Morin
Town Administrator

From: Theodore J. Ross
Chief of Police

Date: August 04, 2015

Subject: Liquor License violation
Tinker's Son
707 Main Street

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On July 23, 2015 at approximately 0109 hours all Norwell Police units were dispatched to the parking lot of the Tinker's Son at 707 Main Street for a report of a large fight. Officers were further advised that some of the suspects left the scene. A vehicle description and plate number were given to responding units. Officers instructed the E911 Dispatcher to send out a broadcast to area departments to be on the lookout for this vehicle and to stop and identify the occupants.

Upon arrival to the scene Officers interviewed employees from the Tinker's Son and some involved participants of the fight. The summary of the officers report state there was an altercation (Pushing/shoving and yelling) inside of the Tinker's Son when the Manager and bar security interceded and asked two males to leave the bar which they did, while yelling obscenities toward the other male participants of the altercation. The Police Department was not contacted at this time.

The Officers investigation further showed that when patrons were asked to leave at approximately 0045 hours Michelle Coles, manager, heard yelling and screaming in the lower parking lot and approached the area. Coles observed a large group of men and woman fighting. Coles and three other employees ran down and broke up the fight. At this time the Police Department was contacted. Officers observed a male party with facial lacerations and one vehicle had a window smashed along with a dent on the door.

At approximately 0141 hours Marshfield Police stopped the motor vehicle that was broadcast out by Norwell Police and was whose occupants were involved in the altercation. The Marshfield report states that the three occupants (Quinlan, Weidman and Petrosino) were asked what happened. The three *all stated "they were drinking at the Tinker's Son, a bar in Norwell and were jumped by a group of eight guys."* The report identifies all three as having an odor of an alcoholic beverage emitting from them. **NOTE: Petrosino was identified as being 19 years old.**

Petrosino later arrived at the Marshfield Police Station and gave a statement about the evening. Petrosino advised the Marshfield officer that "They were drinking at the Tinker's Son for approximately three hours. Petrosino stated they met up with two additional friends who were the ones Tinker's staff asked to leave around 2200 hours. Petrosino stated she is 19 and was never carded at the bar."

On August 04, 2015 Sergeant Tim O' Brien spoke with Petrosino via phone to follow up on the incident at the Tinker's Son and her statements to the Marshfield Police Department. According to Sgt. O' Brien, Ms. Petrosino admitted to being inside the Tinker's Son on the night in question. She stated that "she gained entry to the bar through the front door and walked by the door man as there was a large group of her friends entering at the same time she did." She was not asked for identification by the doorman. Sergeant O' Brien further asked if she ordered a drink at the bar to which she replied "yes." In a response to Sergeant O' Brien, she stated "she was not carded by the bartender." Sgt. O' Brien asked if she presented any fake identification to which Petrosino replied "she was never carded at any point in the evening."

It appears based on the information summarized in this MEMO the staff of the Tinker's Son violated the following:

1. Massachusetts General Law Chapter 138 Section 34: sold/delivered an alcoholic beverage to a person under the age of 21
2. Town of Norwell Rules and Regulations for General On-Premise "Pouring" license: No alcoholic beverages are to be served to or for persons under the age of twenty-one years of age.

I am respectfully requesting that the Board of Selectmen, as the Licensing Authority, hold a hearing to determine what action, if any, should be taken against the Liquor License of Tinker's Son located at 707 Main Street.

This is a summary of Norwell and Marshfield Police reports written concerning this incident.

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TOWN OF NORWELL

345 MAIN STREET
NORWELL, MASSACHUSETTS 02061

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TOWN CLERK

August 26, 2015

John Brian Houlihan, Manager
River and Main Street Restaurant Corp. d/b/a The Tinker's Son
707 Main Street
Norwell, MA 02061

RE: Notice and order to Attend Disciplinary License Hearing

Dear Mr. Houlihan:

Pursuant to G.L. c. 138 sec 23 and any and all applicable rules and regulations of the Town of Norwell pertaining to the sale of alcoholic beverages to be drunk on premises, the Board of Selectmen, acting as the licensing authority for the Town of Norwell, will conduct a public hearing on Wednesday, September 23, 2015 at 7:45 p.m. at the Norwell Town Hall, 345 Main Street, Norwell, MA in the Osborne room. The purpose of the hearing will be to consider whether to impose discipline including without limitation, suspension or revocation of the annual liquor license granted to the licensee, River and Main Street Restaurant Corp. d/b/a the Tinker's Son, pertaining to the following:

On or about July 22, 2015, it is alleged your establishment served alcoholic beverages to at least one (1) person under the age of twenty-one.

You are ordered to attend the hearing. You may attend with or without counsel, and speak on behalf of the licensee at said hearing.

Respectfully,

Gregg McBride, chairman
Town of Norwell Board of Selectmen

Marshfield Police Department

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NARRATIVE FOR PATROL CONOR B FLYNN

Ref: 15-7521-AR

Exhibit 4

Entered: 07/23/2015 @ 0305 Entry ID: CF7037
Modified: 07/23/2015 @ 0714 Modified ID: CF7037
Approved: 07/26/2015 @ 0404 Approval ID: KM2130

Report submitted by Officer Flynn #91

Defendant: Quinlan, Sean (03/14/1994)

Charges: Disorderly Conduct Ch. 272/53/F
 Resisting Arrest Ch. 268/32B
 Possession of Less Than One Ounce of Marijuana Ch. 94C/32L

Town Bylaw Citation: A11181

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Synopsis: Norwell Police contacted Marshfield Police requesting we look out for a vehicle and its occupants that were just involved in fight and property damage in their town. Officers located the vehicle travelling east on Ocean Street and effected a motor vehicle stop. The two male occupants, Sean Quinlan and Edward Weidman were found to be covered in blood and had cuts on knees and elbows. The interior of the vehicle was also covered in blood. The passengers were asked to exit the vehicle due to furtive movements. An odor of an alcoholic beverage was detected on Quinlan's breath and his eyes were bloodshot and glassy. Field sobriety tests were administered. During field sobriety tests, Quinlan began yelling and attempting to approach the other officers who were speaking with the other occupants. He was told to stop, which refused and was told he was under arrest. He began resisting and was eventually taken to the ground and handcuffed.

On Thursday, July 23, 2015 I was working the 0000 to 0800 shift in full police uniform. I was assigned to the North sector of town in marked cruiser 556. The OIC this shift was Sergeant Morris.

At approximately 0120, dispatch Officer Anderson notified Marshfield cars that Norwell Police was looking for a vehicle and its occupants who were involved in a fight and property damage in their town. The vehicle was described as a brown Toyota RAV4 bearing MA reg. 574AR3. The vehicle is registered to Kathleen Quinlan out of 90 Aunt Lizzies Lane, Marshfield.

When Officer Anderson dispatched us, I drove up Main Street and parked next to the 3A bridge at the Scituate town line, looking for the involved vehicle. Within a few minutes, Officer Crowley (553) and Officer Burger (552) radioed they had the involved vehicle pulled over on Ocean Street by Mariners Hill Dr. I began heading that way.

Officer Crowley and Burger observed the vehicle travelling east on Ocean Street and effected a motor vehicle stop. The vehicle pulled onto Mariners Hill Dr., and came to a stop. Officer Crowley approached the drivers side and Officer Burger approached the passenger side. Officers observed the driver began turning around and reaching back towards a passenger in the back seat. The passenger in the back seat was leaning forward towards the front of the vehicle. Officers immediately observed blood on both the driver and his male passenger and the center console was covered in blood. The occupants of the vehicle were asked to exit the vehicle due to the furtive movement. Norwell did not report whether any weapons were involved, just that a bar fight involving approximately 10 people had occurred.

The driver was identified as Sean Quinlan and the front passenger was identified as Edward Weidman. The third occupant, Angela Petrosino, was in the back seat. Officers observed in plain view a 30 pack of Bud light in the

NARRATIVE FOR PATROL CONOR B FLYNN

TOWN OF NORWELL 7521-AR

Entered: 07/23/2015 @ 0305

Entry ID: CF7037

Modified: 07/23/2015 @ 0714

Modified ID: CF7037

Approved: 07/26/2015 @ 0404

Approval ID: KM2130

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back of the vehicle and two loose cans. Both officers detected an odor of an alcoholic beverage emitting from the vehicle and passengers and Petrosino stated she was 19 years old. I arrived at this time.

Quinlan and Weidman were covered in blood and had numerous cuts and scrapes on their knees, elbows and head. The center console and rear of the drivers seat were also covered in blood (see photographs). Officers asked the occupants what had happened. They all stated they were drinking at the Tinker's Son, a bar in Norwell. As they left they were jumped by a group of approximately 8 guys. They did not know the identities of the people who attacked them, but stated they were drinking with them inside the bar. They described the guys who jumped them as "huge".

While speaking with Quinlan, I detected a moderate odor of an alcoholic beverage emitting from his mouth. His eyes were bloodshot and glassy. I asked him if he had been drinking tonight. Quinlan stated he had been drinking at a bar in Norwell. I asked him if he would perform field sobriety tests. He began arguing and stated that this was "bullshit", but shortly after agreed to do field sobriety tests.

The first test was the alphabet test. I asked Quinlan if he graduated high school and was familiar with the alphabet, which he stated he did. I then asked him to recite the alphabet from A to Z without singing it. Quinlan was able to complete the alphabet test, but paused several times to further argue with me and yelled at the other officers speaking with Weidman.

The second test was the counting test. I asked Quinlan if he had a general understanding of counting. He stated he did. I asked him to count backwards from 100 to 85. Quinlan completed this test.

The third test was the one leg stand test. As I was explaining and demonstrating this test, Quinlan began throwing his hands in the air and yelling at Officer Crowley and Officer Burger. He then began trying to walk around me towards the other officers. I told Quinlan to stop trying to approach the other officers or he would be placed under arrest for disorderly conduct. Weidman told Quinlan multiple times to stop acting up and said "stop being a fucking prick, stop being an asshole".

Quinlan ignored my orders and continued yelling. He then walked into the middle of the road and again tried to walk around me, throwing his arms up in the air. I then grabbed Quinlan by the arm to prevent him from walking around me and told him he was under arrest for disorderly conduct. He immediately began pulling away from me and continued yelling. A brief struggle ensued, resulting in Officer Crowley and I guiding and directing Quinlan to the ground, placing him on his chest. Quinlan was handcuffed behind the back (double locked) and placed in the rear of cruiser 553. His resistance was brief and resulted in no injuries.

Petrosino and Weidman were shuttled to their residences by Officer Burger and myself. Quinlan's vehicle was towed by Andy's Tow after a vehicle inventory sheet was completed. During the vehicle inventory, two cans of bud light were located in the back of the vehicle. A marijuana pipe and less than one ounce of marijuana were found. A town by law citation for the marijuana was written and mailed to Quinlan. A bloody t-shirt was located on the front passenger floor. (See photographs).

Quinlan was transported back to the Marshfield Police station where officers attempted to book him. He was uncooperative, was talking over the booking officer, and refusing to answer questions. Booking was ended and Quinlan was placed in a cell. A while later, a second attempt was made at booking. Quinlan was read his rights

Marshfield Police Department

NARRATIVE FOR PATROL CONOR B FLYNN

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by Sergeant Morris. During booking Quinlan stated he received the cuts on his knees, elbows and back of his head from the officers who arrested him.

Throughout booking, Quinlan was argumentative and continuously called the officers a "fucking prick", and "fucking assholes". He was confused as to who was there and accused Sergeant Morris of being the officer involved in arresting him. He was photographed and given his phone to make multiple calls to arrange for bail. Quinlan called Weidman, who stated he was on the way to the hospital so his injuries from the fight could be treated. Bail was set at personal by bail commissioner Baler. Photographs were taken of Quinlan's injuries. Fire was requested and fire fighters Powell and Holland cleared Quinlan. Norwell faxed a copy of their report from the incident in their town. (See attached report). Quinlan was negative BOP, Q5, WMS and III.

While Quinlan was being booked, Angela Petrosino came into the police station and filled out a witness statement about the events that occurred tonight. Angela stated they were drinking at the Tinker's Son for approximately 3 hours. They met up with JD and Corey Wiggin, who were kicked out of the bar by the staff at approximately 10pm for starting a fight. She stated JD and Corey Wiggin were the drunkest ones there. She is 19 years old and said she was never carded at the bar. She described the fight that occurred in the parking lot of the Tinker's Son. She stated approximately 8 males attacked her male friends, including Sean Quinlan and Edward Weidman. Quinlan and Weidman were punched in the back of their heads multiple times. Angela was involved with trying to break up the fight. At the end of the fight, Quinlan, Weidman and Angela were covered in blood. This story is consistent with the injuries and blood found covering Quinlan and Weidman. (See witness statement).

Ocean Street, also known as Route 139, is a public way in the Town of Marshfield. It is lined with street lights, fire hydrants, and has marked lanes of travel. It is plowed and maintained by the town DPW.

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THE 189TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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Rules

PART I	ADMINISTRATION OF THE GOVERNMENT	PREV	NEXT
TITLE XX	PUBLIC SAFETY AND GOOD ORDER	PREV	NEXT
CHAPTER 138	ALCOHOLIC LIQUORS	PREV	NEXT
Section 34	Sale, delivery or furnishing alcoholic beverages to persons under twenty-one years of age; employment of persons under eighteen years of age	PREV	NEXT

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Section 34. No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D or whoever furnishes any such beverage or alcohol for a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause (14) of section 62 of chapter 149, a licensee under this chapter may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

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PART I ADMINISTRATION OF THE GOVERNMENT

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TITLE XX PUBLIC SAFETY AND GOOD ORDER

PREV NEXT

CHAPTER 138 ALCOHOLIC LIQUORS

PREV NEXT

Section 64 Suspension or revocation of license; hearing; notice; disqualification; surrender of license; refunds

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Section 64. The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. If at any hearing a licensee is charged with serving or selling alcohol or alcoholic beverages to a person under twenty-one years of age, written notice of said allegations shall be sent by the licensing authorities to the parent or guardian of such person. If the license is revoked, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so revoked, and if he is the owner of the premises described in such revoked license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

If it appears to the commission that a license has been issued under this chapter by the local licensing authorities in excess of the quota prescribed by section seventeen or in violation of section sixteen A or any other provision of this chapter, the commission shall, after notice to said authorities and to the holder of such license and after reasonable opportunity for them to be heard by it, revoke such license, whereupon such license shall be surrendered to said authorities, and the decision of the commission shall be final and conclusive. The holder of a license so revoked shall not be subject to prosecution for any sales theretofore made by him under such license on the ground that such license was illegally issued. The city or town whose licensing authorities issued any license so revoked shall forthwith refund to the holder thereof the entire fee paid therefor and authority is hereby granted to such city or town to pay the same out of any funds available.

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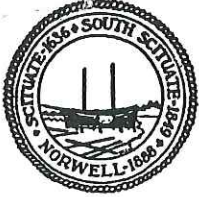
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Section 64A. In any hearing by a licensing authority under the first paragraph of section 64 where a licensing authority finds that a licensee under section 12 has served or sold alcohol or alcoholic beverages either to a person under 21 years of age in violation of section 64 or to an intoxicated person in violation of section 69 within the 24 months immediately preceding the date of the alleged violation that is the subject of the hearing, the licensing authority may require, in addition to imposing any other sanctions, as a condition precedent to any modification, reinstatement or renewal of the license that the licensee provide a certificate of insurance for liquor liability providing security for the liability of the licensee to a limit of not less than \$100,000 to any 1 person and \$200,000 to all persons; provided, however, if the licensee is required to obtain insurance coverage under said section 12, then the licensing authority may increase the limits set by said section 12. Limits imposed or increased under this section shall be set at the discretion of the licensing authorities.

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OFFICE OF BOARD OF SELECTMEN
TOWN OF NORWELL

345 MAIN STREET P.O. BOX 295
NORWELL, MASSACHUSETTS 02061

Exhibit 6

(617) 659-8000
FAX (617) 659-7795

TOWN OF NORWELL
RULES AND REGULATIONS
FOR
GENERAL ON-PREMISES "POURING" LICENSES

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In addition to compliance with all federal, state and local laws and regulations regulating the attached license and, in addition to the specific terms of said license, the holder of this license shall be responsible for ensuring compliance with the following rules and regulations:

It is the intent of these rules and regulations to provide for the orderly operation of licensed activities within the Town of Norwell. Each licensee is obligated to abide by the regulations and rules as well as the laws of the Commonwealth of Massachusetts. Each licensee shall also have the responsibility to instruct its employees as to all Rules and Regulations.

No licensee shall participate or permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises, the licensee shall be responsible therefore present or not. The owner and/or manager of record be totally responsible for any violations or infractions of the law, these rules and regulations and disorders or disturbances of any kind which takes place on the licensed premises, whether present or not, for the actions of employees or entertainers.

The owner or manager shall post the laws and regulations and rules in a conspicuous place and where they can be easily read.

Notice to the licensing authority if for any reason that the licensed premises are to be closed contrary to the licensed hours posted. All licenses and regulatory certificates/permits shall be posted in an accessible place for the inspection by proper authorities. (Notice shall be to the Norwell Police log.)

A current list of employees shall be available upon request of licensing authority or agent of.

Renewal affidavits shall not be approved unless the licensee completes the application form in its entirety.

1. No alcoholic beverages are to be served to or for persons under the age of twenty-one years of age. No alcoholic beverages are to be sold or given to persons who are or appear to be intoxicated. No employee or manager shall consume alcoholic beverages while on duty.
2. Unless specified in the respective license and until further notice, every licensee shall abide by the following closing time restrictions:
 - (a) at 12:45 A.M. - Last call for alcoholic beverages announced.
 - (b) after 1:00 A.M. - No alcoholic beverages to be sold or served to anyone. Bar closed. No music, television, or entertainment, if permitted at all.
 - (c) after 1:15 A.M. - All alcoholic beverages, and any other bottles, cans, glasses, cups or other vessels cleared from bar and tables.
 - (d) after 1:30 A.M. - No patrons on premises.

RULES AND REGULATIONS - 2
GENERAL ON-PREMISES "POURING" LICENSES

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- (e) after 1:30 A.M. - Premises secured. No persons on premises except employees for the purpose of cleaning, making renovations, making emergency repairs, providing security for the premises, or preparing food for the next day's business. If a license holder finds it necessary to permit employees on the premises after 2:00 A.M. for one or more of the allowed purposes, it is required that the license holder contact and request the approval of the Norwell Police Department before the regular closing time. The license holder shall inform the Norwell Police Department the purpose for which the employees are to remain on the premises, the names of all employees expected to be on the premises, and the time at which the premises will in fact be secured. Said approval shall not be unreasonably withheld.
3. Music and other entertainment, if permitted by the Licensing Authority, must be confined to that part of the premises specified in the license and shall cease at 12:45 A.M., except that on Saturday night, all music and entertainment shall cease at 12:00 Midnight, unless the premises are licensed from 12:00 Midnight to 1:00 A.M. for Sunday entertainment. All noise will be confined to the building to prevent noise disturbance to area residents.
 4. No persons shall be permitted to bring alcoholic beverages on the premises or to remove alcoholic beverages from the premises for their own consumption.
 5. Alcoholic beverages to be served or sold must be stored, served, sold, opened, and consumed on the part of the premises specified on the license. As an exception to this policy, a license holder may permit a patron to bring individual bottles of vintage wine or champagne on the premises to be served to that patron and his eligible guests. In such cases, the bottles, when brought on the premises, shall be given to the licensee to be served by the licenses.
 6. Reasonable safety and protection shall be provided for patrons.
 7. There shall be no disorder, disturbance, indecency, solicitation, prostitution, lewdness, gambling or other conditions in violation of law on the licensed premises, or any other premises connected thereto and under the control of the licensee.
 8. No licensee shall permit any distinction, discrimination or restriction on account of race, color, disability, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person in the licensed premises.
 9. No employee and/or entertainer shall solicit or induce a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person.
 10. Games of chance, such as beano, Las Vegas nights, etc., and pinball/video games (electronic or otherwise) are prohibited without a special written permit to be issued in the discretion of the Licensing Authority. Such a permit will be automatically withheld unless sufficient evidence of compliance with all local, state and federal laws is presented by the applicant.
 11. All licenses, permits and certificates are to be posted in a conspicuous place on the premises. Rules and Regulations of licensing authority shall be readily available.

RULES AND REGULATIONS - 3
GENERAL ON-PREMISES "POURING" LICENSE

12. No devices or equipment shall be used by any licensee for the purpose of making employees aware that members of the Licensing Authority, their agents or law enforcement officers are present or approaching the licensed premises. A list of employees on the premises at the time of inspection shall be given to the inspecting party.
13. The premises will be maintained in order to allow good visibility to the public from outside the premises looking in, and the outside of the premises and parking lot will be well lit.
14. A written description of floor space is to be submitted, which will be part of the license and submitted to the ABCC.
15. No physical renovations will be made unless a plan is submitted to and approved by the Licensing Authority and unless all other permits by law are first obtained.
16. The license premises are subject to inspection by the members of the Licensing Board, its authorized agents and law enforcement officers.
17. No licensee shall contract bills or obligations relating to the licenses premises under any name other than that specified on the respective license.
18. Licensees shall not change managers or portion of ownership of the licensed premises or the right to occupy the licensed premises without first obtaining approval from the Selectmen after a public hearing
19. Corporate licensees shall not assign, convey or pledge stock of the corporation without prior written approval from the Licensing Authority and assignment will not permit the assignee to conduct the business of the licensee unless permitted in writing by the Licensing Authority.
20. Licensees shall immediately notify the Licensing Authority of any proceedings brought against them (or by them) under the bankruptcy Act, or of any other proceedings, in court or otherwise, which may affect the status of the license.
21. Licensees are not required to close on any voting day unless so notified by the Licensing Authority and may be open during usual hours during all holidays, except alcoholic beverages may not be served or sold on Sundays and Christmas before 12 Noon and on Memorial Day before 12:00 Noon.
22. Any licensee intending or desiring to close the license premises for a period in excess of forty-eight (48) hours will notify the Licensing Authority in writing before such closing and in the notice state the reason and length of closing desired. Closing will not be permitted without written permission from the Licensing Authority.
23. The license holder shall neither engage in nor permit any practice, enterprise or activity on the licensed premises which is in violation of any town, state or federal law, statute, ordinance or bylaw.

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RULES AND REGULATIONS - 4
GENERAL ON-PREMISES "POURING" LICENSES

24. All fees, fines and other obligations owing to the Town of Norwell shall at all times be current both with regard to the business conducted and the premises on which such business is conducted; if not current, may be cause for suspension.
25. The attached license is subject to modification, revocation or forfeiture for breach of any of its conditions, or any law or existing regulation, and any change in existing regulations of the Licensing Authority of which the licensee has notice.
26. The Selectmen will notify license holders of any changes in local regulations as they occur.
27. Licenses shall be suspended or revoked when a license holder is convicted for the sale and/or service of alcoholic beverages to a minor as follows:
 - (a) For the first conviction within 24 months - license will be suspended up to six days on dates to occur on three weekends periods. Each two day period shall be a Friday and Saturday continuing through 1:00 A.M. on the following Sunday.
 - (b) For the second conviction within 24 months - license will be suspended up to 12 days on six weekends in the same manner as outlined in the preceding paragraph (a).
 - (c) For the third conviction the license will be revoked.

Each minor involved in a single incident shall be considered a separate violation; i.e. the suspension period doubles when two minors are involved, triples when there are three minors involved, etc.
28. Licensee will be required to adhere to the provisions of these regulations, as well as other federal, state and local law and regulations. If the Licensing Authority or its designated representative determines that there exists satisfactory proof of such a violation or violations, the Licensing Authority may take appropriate disciplinary action, which may include oral warning, written warning, suspension of license, modification of license, non-renewal of license and/or revocation, depending upon the seriousness of the offense(s), and the judgment of the Licensing Authority. Each separate incident shall be considered a separate violation.
29. For the purposes of this regulation, conviction shall mean a Court Judgment, ABCC Hearing, or Norwell Selectmen's Hearing which results in a determination that the licensee has violated provisions of this or other pertinent regulations.

Norwell Licensing Authority

Adopted 10/85
Amended 1990
Amended 11/1995

Dear Sir/Madam,

My name is Steven Smith, I am a Grammy Award winning Producer that lives in Scituate MA.

I have spent many nights at Mr B Houlihan's venue 'The Tinkers Son' in Norwell MA, for everything from Charity events to round table events for professionals on the south shore.

The Tinkers Son, has always given me the feeling of the highest standards I would expect of the many concert venues I travel to around the world.

Mr Houlihan and his staff have shown time and time again, the professionalism that is expected in the running of a live music venue.

Yours Sincerely

Steven P Smith
International recording artist
www.stevesmithmusic.com

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To Whom It May
Concern:

My name is Michael Tondorf and I am the owner of Riva Restaurant and Rivershed in Scituate Mass. Over the past 12 years I have had the pleasure to get to know Brian Houlihan. I have gotten to know Brian as a Boss, a friend, a fellow restaurateur and an industry competitor. I can honestly say that if I hadn't had worked with Brian I would not be where I am today. One of the things I have tried to mirror is how Brian holds everyone accountable and how he is hyper focused on following proper ABCC and town requirements. Having my restaurant across the street from one of Brian's, I can see the effort he and his staff put in to meet all requirements. Brian has personally taught me the importance of having a doorman, a capacity clicker, and having the right amount of staff matched with the amount of customers. With all this being said I was very surprised when I heard what had happened a few months back at Tinker's son. I was so surprised that with the amount of effort Brian puts into training his staff about not over serving, watching capacity, checking ids and looking out for fakes, that this could happen at one of his restaurants. To me this is a wake up call that no matter how hard you try you are still not exempt from these unfortunate occurrences. Brian is a mentor to a lot of peoples in this a business and he will continue to be mine.

Thank you for your time,

Michael Tondorf
[7814709149](tel:7814709149)
Owner

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The Tinkers Son <thetinkersson@gmail.com>

ID

1 message

The Tinkers Son <thetinkersson@gmail.com>
To: The Tinkers Son <thetinkersson@gmail.com>

Tue, Sep 22, 2015 at 2:03 PM



Nicholas D.
Bailey, CO

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8/20/2015 I have never experienced a more disrespectful management staff and bartender in my life. Gave my ID at the door and got in and had 2 drinks. Went to get another beer later and a different bartender who happened to be a manager also rudely asked for our IDs again so we gave them. The bartender very rudely told me she could not accept my out of state ID even though I am 27 years old and look older than that. I grew up in the South Shore area, have lived out of state for 5 years and was in town visiting. I gave her 4 credit cards with my name on them, a medical card with my name and DOB, and also a ski pass with both my picture and name on it. She told me this was not good enough, "I should know better", and told

me to leave. Both doormen had previously said I was ok to come in without even a hesitation. After being rudely talked down to by a second manager, they decided we could stay. We left right after they let us stay after being disrespected and talked down to like children in front of many other customers. My friend who is a regular there said he will not be back ever after being treated like that and will absolutely spread the word around the area.

Was this review ...?